657 sale of goods on the black-market. Tribal leaders, or members
179 of a "status group," in whose hands the operation of the
474 cooperative society had been placed, confiscated more than
661 their share of food and fodder and resold it either in the
[435] Nile Valley or to their own tribesmen for whom it had originally
been intended. The government could not really prosecute the
guilty parties for fear of jeopardizing the entire program.
Nor could they convince the cheated tribesmen that they had
been treated unfairly by their leaders. For one thing, the
[673] Bedouins did not consider that their leaders were committing
a wrong; furthermore, any Bedouin who would go to the govern-
ment to inform on another Bedouin would be subjected to a
[577] trial by Bedouin justice. It is still the traditional codes
of Bedouin law and honor, and not the modern judiciary system,
which prevail in al-Qasr.

474 The cooperative society in al-Qasr is one of thirteen
in the general area of Marsa Matruh. It began with a member-
ship of twenty-five, twenty-two of these were from the 'Aishaibat
tribe. Today, the enrollment is 139 official, and another 195
"unofficial" members. The unofficial members represent un-
registered branches of the al-Qasr cooperative. The Bedouins
[735] explain that they cannot allow any members of the tribe to go
hungry, and, therefore, they will distribute food to all those
[661] who need it (Zein, n.d.). This, of course, shows that those
cooperative officers who do profiteer are not entirely oblivious

12 57 554 moral community, we cannot proceed to a discussion of the internal and external systems of political relations.

•577 181 [867] As a result of the socialization process, and through relations with other members of the family, an individual comes to recognize that his conduct is measurable by certain standards of, what is considered by the group to be, good and bad, right and wrong. In al-Qasr, such standards are intrinsically correct, or "decent" as the Bedouins say; obedience to the authority representing these standards is interpreted [596] as a "duty." The authoritative aspect of the role of household head (shaib al-bait), and the moral obligations which it represents, emerge from and reinforce values and structural arrangements central to Bedouin social order, namely, respect for authority and devotion to social groups, the two basic elements of morality defined by Durkheim (Parsons 1937:382-385).

577 571 181 182 The value placed upon social order, and the structural mechanisms for insuring its realization and extension--kinship, residence and contract--inform an authority structure which ranges between filial piety at the family level and a set of legal norms at the level of the external political system. The fact that the Bedouins of al-Qasr are interested in integrating a larger population into their authority structure means that a common value is operative in the range of it; also that one sphere of authority will tend to merge into another. [593] [691] Hence the father-son authority relation has importance for the strength of Bedouin customary law in the desert. The

579 high value placed upon conformity to rules governing authority
571 relations makes Bedouin society of al-Qasr less individualistic
181 than, for instance, the Iatmul of New Guinea who "set no
182 exaggerated value upon extremely orderly behavior" (Bateson 1958:31). Social cohesion in al-Qasr is sustained through what Durkheim called "mechanical solidarity."

593 The Bedouin father is in a disciplinary position over his washuun, his wife (wives) and his children. (The word, washuun, must be of Berber origin for I am unable to trace it in Arabic.) Although the father has the right to beat his washuun, the Bedouins say that he does so "only in rare cases, when it is necessary." During my time in the field I heard of no physical punishment being dealt out by a father.

The dyadic relationship of father and son roles is the focal field of authority in the family. The pattern of behavior in this relationship is marked typically by restraint on the part of the son. The father orders and the son obeys unquestioningly. If the father accidentally uses a taboo
[192] word, such as 'ammar which in standard Arabic means "to fill" but in the Bedouin dialect means "to have sexual intercourse," the son will immediately depart the scene in a high state of
[561] embarrassment. In this way, the boy is not only excluded from gatherings and activities in which his father participates, but he is also made to maintain a respectable social distance from his father's age-set. There are other ways of

593 was with his brother and not his brother's sons. When the father persisted with his intention to embarrass his nephews, his sons, as a last alternative, threatened to leave him. In the face of this threat, the father capitulated.

The rights and duties of the father-son relationship, although they do not change in sentiment, will change in content during the lifetime of the father. The main change [421] in content will be a reflection of a change in property re- 593 lations. The Bedouin believe that this is the way it ought • 577 to be; they say that

> A son must respect and obey his father. The son must do anything that he can to help and please his father. When the son grows up and begins to earn money, he must contribute generously to his father. A son pleases his father by giving him money and helping him to be comfortable.

593 In boyhood and manhood, the father has disposal over his son's 596 labor. As long as a son lives in his father's naja' this is [464] so. One son, who worked for an American oil company in the desert, regularly turned over his pay check to his father. It is the father who decides where the son will live, and, whether or not he will have his own domicile away from the [591] main naja'. When the son marries and brings his wife to the naja', he will usually set up his tent next to his father's tent. The tent is given to the boy by his father. During 593 the son's growing-up period, he will be given, as gifts on 431 various occasions, a sheep or a number of sheep which will be kept with the father's flock.

concepts of what is desirable and undesirable. "Every structural arrangement," Raymond Firth has said, "has its moral attributes of obligation" (1961:212). This is most essential in an uncentralized system, such as that of al-Qasr, where no institutions exist outside of the corporate group for the introduction of new principles of organization and association.

Among the Bedouins, the conceptualization of an authority structure in the role of 'aqila relates to the high value which they place upon a peaceful and orderly world. Children in al-Qasr are taught that one of their serious duties in life is to mediate conflicts, especially, when they are potentially situations which may lead to protracted conflict. And, in a segmentary society where a member's status links him to many different groups in differing degrees of importance, all quarrels are potential group wars. The Bedouin child knows that his elders, and God, want him to follow "the path of the good" (tariiq al-khair). Mainly, this involves helping others to follow "the path of the good" by "bringing them back together" when they are in conflict. When two individuals quarrel and refuse to return to "the path of the good," this brings 'aib ("shame") to each of the persons. When two individuals quarrel, setting off a group conflict, this brings 'ar ("shame") to the respective corporate groups of the individuals (Abou-Zeid 1966). Against individuals who persist in the ways which cause 'aib to himself, or 'ar to his group,

181 578 570 626 784 certain sanctions of both a secular and sacred nature may be imposed: expulsion from the group and the curse of God are ultimate coercive interventions in the process of conflict regulation.

*613 181 182 571 The role of 'aqila presents the corporate group as "one person" in opposition to other similarly defined groups. Thus, Fortes says (1953:25), "the way a lineage system works depends on the kind of legal institutions found in the society," and this is a function of its political organization. The Bedouin political organization is characterized by two aspects: the internal political system, and the external political system. Both systems are regulated by the same values and norms. Authority relations within the corporate level are founded on values inculcated in the socialization process, and prescribe political behavior for all who come under the jurisdiction of the respective 'aqila. Authority relations outside the corporate level are conducted through the 'aqila. This political role as a functional part of the lineage structure operates in terms of kinship values; politics at the external level are characterized by no new principles.

*613 571 182 Politics in al-Qasr, and elsewhere for that matter, is a process of problem-solving and conflict regulation between individuals and groups. Political action occurs at different levels of the lineage structure, and each is demarcated as a focus or sphere of authority. But all authority stems from

692 police and not to his 'aqila. This was a serious case because
685 the police were forced to imprison the dike-builder for two
648 days before he would agree to their demands. The two men in-
*613 volved in the conflict were from different lineages, and it soon became necessary for Bedouin justice to intervene even after the matter had been settled by the police. The 'awaaqil of each man met, along with other notables of the tribe, and investigated the area where the dikes had been; they listened to witnesses and tried to calculate the amount of water which each man should receive. In the end, the decision of the police was upheld.

692 Although, ideally, litigation should be instigated
691 through the office of the 'aqila, alternatives do exist. As
*613 noted in discussing the values of Bedouin society, it is the
•[577] moral obligation of each and every person to moderate between conflicting parties; any one conflict situation may be moderated by many well-meaning parties. Or, if a person suspects prejudice on the part of his own 'aqila, he may choose to take
627 his claim to another 'aqila, or third party. The notion of a
554 third party to a conflict, when it does not refer to the 'aqila
692 or a close kinsman who may act as an arbitrator, has reference to a non-institutionalized role in al-Qasr. This role-holder, the Bedouins call rajal khair ("good man") or qawaal al-khair ("the speaker of the good").

"Role differentiation implies organization" (Levy

671 the Bedouins, the government soon discovered their own error,
182 for they were unable to effectively manage group and tribal
648 political relations: "They (the government) found out that they could not solve murders in the desert. They would arrest the killer but the trouble continued between families (i.e. feuding went on). There were more killings instead of less, and, finally, the government asked us to return to the 'awaiyid because it alone can solve murders in the desert." I was unable to document the claim that the government had "abolished" the 'awaiyid in 1933, but a number of officials who worked at the Governor's Office in Marsa Matruh said that it was true.

671 In al-Qasr, and in the Western Desert in general,
641 adherence to law and political order rests upon the conviction
•577 that each individual and territorial group have guaranteed
57 rights which are related to honor and property. A violation
554 of any single man's honor or property may easily be interpreted, according to the principle of collective responsibility, as an offense against the rights of a group. And in this sense, legal and moral violations in Bedouin society are relative to the structure of interrelations, and they must be regulated with reference to the various levels of the authority structure.

181 Bedouins place a high value on political order, but
641 also on the idea that political order can only be guaranteed
578 through a man's willingness "not to allow another to take any
571

*613 ultimately, all-out warfare: the role of 'aqila is most
578 critical at this level. Abou-Zeid (1966:259) has suggested
182 an explanation for the delicate balance of political relations which exists between secondary lineage groups. He thinks that

•[579] > . . . in the segmentary society of the Bedouin of the Western Desert . . . honour has played, and still plays, a most vital role in the field of social control, besides providing an effective code of morality . . . A slight offence inflicted against a lineage . . . is taken as an unfavorable humiliation requiring immediate retaliation to wipe out the shame, regain honour, and restore the same relations as formerly between the groups.

682 Homicide and wounding cases, which usually develop over con-
683 flicting claims to land or water rights, are most prone to
578 lead to grand-scale conflict. Thus the 'aqila will always
*613 mediate and adjudicate these cases whereas he will not necessarily intervene in those cases involving tertiary groups where appeals to moral solidarity and kinship unity may succeed in restoring relations. It is difficult to muster evidence for this contention since conflict between tertiary groups is more of a private matter than it is public, and, once settled, such conflict is not likely to be discussed, or even admitted.

*613 Most of my details on conflict regulation and the
578 judicial process in al-Qasr involve political action between
619 secondary or primary groups, eighteen of the twenty-two cases
681 in fact. Of the nine cases dealing with personal injury (eight

process of conflict regulation is ritually sanctioned and the political order sacralized in a public way at the conclusion of litigation when the parties involved and the 'aqila read the Fatiha (the first sura of the Quran). For the Bedouins, the 'awaiyid is the enactment of the word of God, and the man who follows the 'awaiyid follows the commandments of God. One 'aqila speaking of the final authority which directs Bedouin society said this:

> God knows all things. God made the world and gave man a brain with which to think. Therefore, he gave man two choices: the good, and the bad. If a man follows the good, he does not steal, kill, or lie. God gave us Muhammad the Messenger, and he taught the ignorant to follow the word of God. You are an educated man, and so you must choose the good path and follow it. I do not read but I follow the Quran.

It follows, then, that "the good man" represents an important Bedouin cultural ideal which is legitimated by reference to the sacred. The practice of this ideal leads to "the good society." Another 'aqila, in reply to my question concerning the definition of a "good man," answered:

> A good man should follow God, and through this he will be a perfect man because such a man could make no mistakes. You could find no better person than this. The good man fasts, prays, makes the pilgrimage, and helps the poor. He avoids stealing and lying; these are the most important things to avoid . . . All men aim to do good. Some men think that they are doing good, but they cannot tell good from bad: this is the origin of badness . . . A man aims to do good so that the Arabs will thank him for it. The Arabs (i.e. the man's fellow Bedouins) will say that he is doing good and that he is following the good path.

577 771 183 According to this 'aqila, the "good man" is the "good Muslim" who observes the pillars of Islam (fasting, praying, making the pilgrimage, and alms-giving). Also, the "good man" does not steal or lie, and this leads, importantly enough, to social accord.

121 681 In light of the preceding discussion of authority and law, we can now offer a description of the Bedouin judicial process in action. Southall (1956:121-151) has drawn the 121 681 114 distinction between internal and external delicts on the bases of kinds of sanctions rendered, and whether or not chiefly authority mediates conflict. Such a distinction can be only partially applied in the case of the Bedouins of the Western Desert. The kind of sanctions operating in the internal political system do differ from those applied in the external political system, though not to the same degree which is true 121 of Southall's Alurland. On the other hand, since Bedouin 681 692 society, lacking political centralization, cannot be characterized as a segmentary state with distinct spheres of authority at successive levels of the lineage structure, the intervention or non-intervention of chiefly adjudication and decision-making cannot serve as a basis for differentiating political * [613] [620] action. Rather, the lone political office of the 'aqila involves itself in all arbitration which cannot be successfully concluded by the mechanism of familial authority. There are [648] just two exceptions which apply to this latter statement:

554 It would be considered "wrong" for the members of
571 this group to present themselves at an al-Qasr wedding party,
[599] or the annual celebration held in honor of a local saint of
[585] the area. When I inquired about the conspicuous absence of
[796] some of my chief informants from such gatherings, I was told
[124] that "they will send their gifts," or that "it is not decent
[431] that they come to something such as this." In terms of
554 Bedouin social structure, there are a number of plausible
571 explanations for this "status separation." Fathers should
182 not attend public affairs at which their sons may be "per-
561 forming," i.e., young men should be allowed to play a public
[593] role outside the confines of the father-son authority structure. By virtue of the extension of the father role, and its corresponding authoritarian attitude, every member of the elder age-set commands certain rights and obligations which would prevent the free expression that is the hallmark of Bedouin parties. Conversely, and at the more general level, members of the "status group" who wish to remain members of this circle accept certain restrictions on social
[114] intercourse. At the five different Bedouin "parties" which I attended, there were "elders" present, but none of them could be classified as members of the "status group." Bedouins plainly state that elders should not attend parties, but, on the other hand, they show much more concern and emotion when they say that a member of the "status group" should not "be

554 hence the rajal khair represents a face-saving mechanism
571 and an alternative which is needed. The rajal khair may even
627 violate group norms in acting to restore the balance of
[829] honor: he may lie with intent to deceive, behavior which at
* [613] any other time would be considered "wrong" by the Bedouin.
● [571]

An informant said that

[539] the real rajal khair is a man who goes to men in a quarrel and asks them to be on good terms and to avoid the devil. He uses good judgement in quarrels. In this case, he may even have to lie. He goes to both parties and listens to them insult each other, but when he returns he tells each that the other is a good man and wishes to settle the quarrel. He tells them: 'Do not let the devil interfere.' He tells each that the other wants his friendship.

554 I pursued the detail that a rajal khair may lie to restore
571 peace, since other informants had made a point of this. My
577 informant then explained:
627
124
[539] I don't want to commit myself because no one knows if the rajal khair is really lying; the men at the time of the quarrel do not know that he is lying. Not all men are rajal khair: there are only a few. The rajal khair puts himself in trouble to help others, therefore, the people do not want to harm him (by thinking ill of him). The rajal khair must be a good man and help others, and he always speaks the truth. He lies but he is doing good, and the people do not want to harm him. When the rajal khair lies, a man does not lose his rights. A man tells the rajal khair this; he tells him that he does not want to lose his rights, and he does not care what he says as long as he does not lose his rights.

554 792 627 [779] Suppose the donkey of A (a man present at the interview) gets into the barley of B (another man present). This is actually a serious matter since it could conceivably lead to a big fight between A's 'aiela and B's 'aiela. First, I separate them and make each go to his home. Then I get A's three brothers (his father is dead), we take a dhabiiha (lamb) and go to B's place and all eat together. After the meal, we read the Fatiha (opening sura of the Quran) together to show that all is forgiven. After the Fatiha has been read no trouble will start because this is done in the presence of the Jaraira.

[784] He explained that reading the Fatiha in bad faith would bring the same curse from God that a bad oath would bring. He also *[613] claimed that only he and the 'aqila have the authority to command men to read the Fatiha.

554 792 627 671 'Amm Salih says that he uses the 'awaiyid as a guide in solving problems, and that it is necessary because "quarrels spread like fire, it is like fire; they spread to killing and war." He was the only person in al-Qasr who

554 792 627 671 779 *577 [784] tried to conceptualize the difference between the 'awaiyid Awlad 'Ali and the Sharii'a. 'Amm Salih said that it is wrong to lie, according to both the secular and the sacred authority codes: "One who lies exceeds the word of God, and God will punish him for this. No one can know how this punishment will take place, only God will know this . . . Sometimes a car goes off the road and people will say that it is the punishment of God. But you never know because the punishment of God comes in the after-life." I asked him:

554 792 627 577 "If this is so, why may the rajal khair lie in trying to settle quarrels?" He replied:

1: Obermeyer E-5 (1964-1965) 1969 MT9 Libyan Bedouin MT9
'Aishaibat



554
792
627
•[577]

> Lying is bad (haram), but this is "the lie of a peace-maker" (kadhib musaalih). For instance, if you have a quarrel with Yunis here, then I have words with both of you. I use different words with each of you. I use different words than those which you used in the quarrel--I use good words. This is to bring you two together again. Maybe I see that you are going to kill, or I hear bad words from you; I do not go and tell him what you said.

'Amm Salih said that it is his "duty" to mediate disputes, and that he never hesitates "because God will reward me later." He did not want the quarrels to grow into wars. He also bases his pleas for conciliation upon moral discoure, the method used by the other traditional authorities.[3] 'Amm Salih said that in trying to solve a problem, "I give priority to the elder. I go to the younger man and tell him that he should make peace with the elder because no one cares more for him than his antagonist, and that he really cares more for his antagonist than for any other." The rajal saalih mediates but does not arbitrate: he attempts to redress the balance of good relations but does not impose judgements.

554
792
627
*613
[MA]

This approach to conflict regulation is not that of the 'aqila in his formal role, but it is similar to what the rajal khair would use. The main procedural difference between the two informal roles (i.e. rajal khair and rajal saalih) is that, in each case, the rajal saalih reads the Fatiha with

---

[114]

[3] The approach which I used in my interviews with 'Amm Salih derives from the work of John Ladd as presented in his book, The Structure of a Moral Code, 1957.